

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSES RIC-E BECK,

Defendant.

Case No. 24-CR-28-JFH

OPINION AND ORDER

Before the Court is Defendant's Motion to Clarify Ruling of the Court Regarding *Government's First Motion in Limine* and the Court's *Opinion and Order*. ("Motion"). Dkt. No. 103.

Defendant's Motion is granted, and the Court will clarify its prior Order [Dkt. No. 54]. The Court's prior Order provided as follows:

Any argument to the jury that the *McGirt* decision has, as a matter of law, abrogated Defendant's prior conviction, would be obviously improper before a jury. Thus, the Government's Motion in Limine is granted to this extent, and Defendant is precluded from making any argument or testimony to the jury claiming, asserting, or arguing that the *McGirt* decision has, as a matter of law, abrogated Defendant's prior conviction.

Dkt. No. 54 at 2. The Court further held that "to permit Defendant to base his defense on his own misconstruction of the law would be wholly counter to the firmly enshrined tenet that 'ignorance of the law is no excuse.'" *Id.* (citing *United States v. Villagomez*, CR-08-19-D, 2008 U.S. Dist. LEXIS 26814, *11 (W.D. Okla. Apr. 2, 2008); *United States v. Platte*, 401 F.3d 1176, 1183-84 (10th Cir. 2005)).

The above principles are equally applicable to any argument that his prior conviction "should be invalid because of U.S. treaties." Dkt. No. 103 at 1. Defendant will not be permitted

at trial to introduce any argument to the jury challenging the validity of his underlying conviction for Lewd and Indecent Proposals to a Child Under 16, whether that argument is based upon *McGirt* or upon Defendant's own idiosyncratic legal interpretations of any U.S. treaty.

IT IS THEREFORE ORDERED that the Defendant's Motion [Dkt. No. 103] is granted, and the Court's prior Opinion and Order [Dkt. No. 54] is clarified as set forth above.

Dated this 10th day of March 2025.



JOHN F. HEIL, III
UNITED STATES DISTRICT JUDGE